



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,605	10/14/2003	L. Steven Cline	60,130-1818; 03MRA0150	2910

26096 7590 05/19/2006

CARLSON, GASKEY & OLDS, P.C.  
400 WEST MAPLE ROAD  
SUITE 350  
BIRMINGHAM, MI 48009

EXAMINER
----------

CECIL, TERRY K

ART UNIT	PAPER NUMBER
----------	--------------

1723

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/684,605

Applicant(s)

CLINE, L. STEVEN

Examiner

Mr. Terry K. Cecil

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 12-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10-14-2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date two.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election *without* traverse of claims 1-11 in the reply filed on 3-15-2006 is acknowledged. Nonelected claims 12-20 are withdrawn.

### ***Claim Objections***

2. Claim 4 is objected to because of the following:

- "said" should be added before "valve assembly".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are indefinite because of the following reasons:

- The following terms lack antecedent basis: "said support member" (claim 10; did applicant intend to claim a "support *member*" in claim 9?).
- Applicant's claiming a "fluid filter" in the preamble of claim 1 without claiming any sort of filtering structure in the body of the claim renders the scope of the claim unclear.
- The balance of the claims are rejected since they suffer the same defects as the claims from which they depend.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

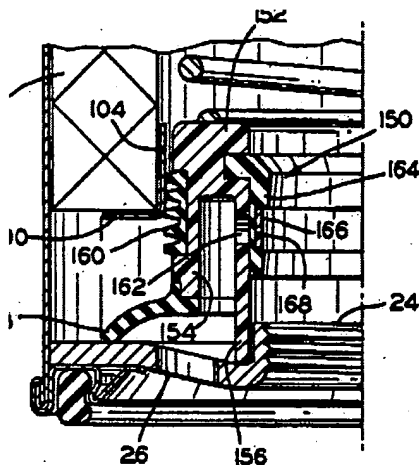
A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Covington (U.S. 5,284,579). Covington teaches a fluid filter including a housing 12 and an end portion having



apertures 26 therein. The extension 156 having an aperture

162 therein is considered to be applicant's broadly claimed

"center portion". Seal 164 covering the aperture 162 and the

lip seal 1 block the flow from aperture 26 is considered by the

examiner to be the valve assembly. Spring 166 applies a radial

force to the relief valve 164 toward the "center portion" [as in

claim 1]. The spring is positioned within an axial hole formed

by the valve assembly (e.g. the axial opening defined by groove 168) [as in claim 4]. The valves

cannot also be integrally formed of elastomeric and resilient material [as in claims 2-3].

Art Unit: 1723

7. Claims 1-3 and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Thornton (U.S. 4,144,168). Thornton teaches a fluid filter including a housing 12 and an end portion

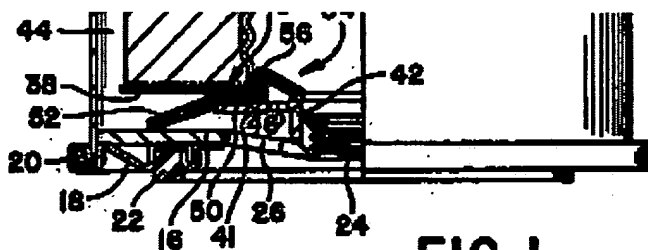


FIG. 1

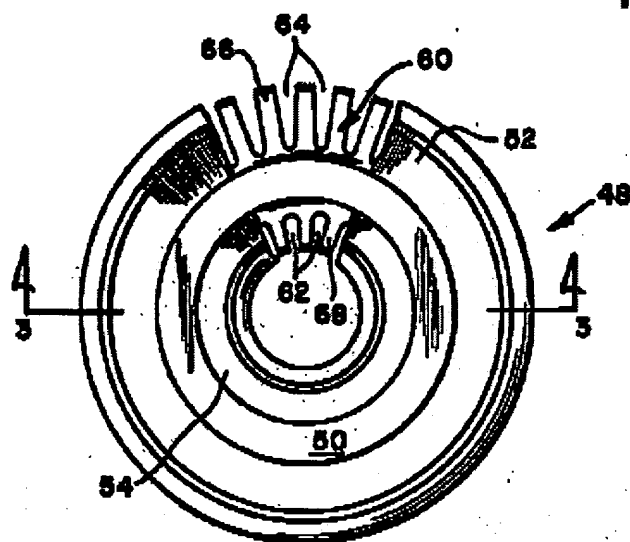


FIG. 2

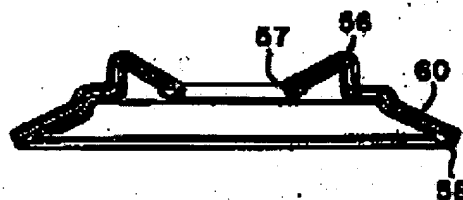


FIG. 3

having apertures 26 therein. A "center portion" 42 includes a second aperture 46. A valve assembly includes a relief valve 54 and antidrainback valve 52 block flow through the apertures. The valves are integrally-formed of elastomeric material and encapsulates a spring member 60 [as in claims 2-3] having a *generally* conical shape and hemispherical cross-section [as in claim 7-8]. Because of the angle of fingers 68 the spring applies a force having a radial force component causing the valve 54 to seal against a corner of the central portion [as in claim 1].

***Claim Rejections - 35 USC § 103***

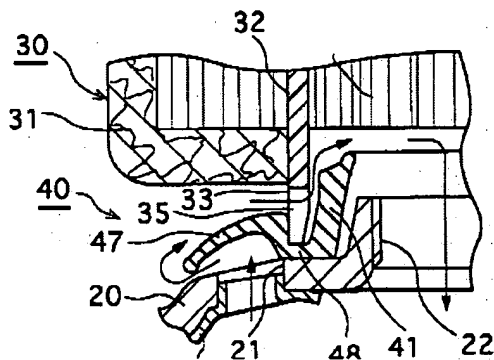
8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (U.S. 6,136,183) in view of Covington (U.S. 5,284,579). As shown in his figures, Suzuki



all the limitation of claims 1-6 with the exception of the spring. However, as expanded above, such is taught by Covington '579. It is considered that it would have been obvious to one ordinarily skilled in the art at the time of the invention to have the radial

spring 166 of Covington applied to the inner radial face of the relief valve since Covington teaches the benefit of being able to use the filter in applications wherein the desired pressure at which the relief valve is activated is relatively high such that an additional reinforcing is required (col. 9).

Art Unit: 1723

10. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (U.S. 6,136,183) in view of Covington, as applied above, and in further view of Yano et al. (U.S. 6,949,182). The claims differ from the modified Suzuki in that they require the center tube to include a support member having an aperture for capturing a retainer of the spring. Yano teaches his center tube to include a support member 27 having an aperture for capturing a retaining element 25 associated with a spring. It is considered that it would have been obvious to one ordinarily skilled in the art at the time of the invention to have the support/retainer member of Yano in the modified Suzuki in order to maintain axial alignment of the spring.

Art Unit: 1723

11. Contact Information:

- Examiner Mr. Terry K. Cecil can be reached at (571) 272-1138 at the Carlisle campus in Alexandria, Virginia for any inquiries concerning this communication or earlier communications from the examiner. Note that the examiner is on the increased flextime schedule but can normally be found in the office during the hours of 8:30a to 4:30p, on at least four days during the week M-F.
- Wanda Walker, the examiner's supervisor, can be reached at (571) 272-1151 if attempts to reach the examiner are unsuccessful.
- The Fax number for this art unit for official faxes is (571) 273-8300.
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mr. Terry K. Cecil  
Primary Examiner  
Art Unit 1723

TKC  
May 17, 2006